

Notice of Allowability

Application No.

10/694,295

Examiner

DANH C. LE

Applicant(s)

MAKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/03.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 28 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/28/03 has been considered by the examiner and made of record in the application file.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Claims 1-32 are allowed.

As to claim 1, Hamabe et al (US 6,731,949) teaches method of controlling transmission power in a cellular type mobile communication system. Wand et al (US 2005/0165951) teaches method and apparatus for handoff in a communication system supporting multiple service instances. Chen et al (US 2003/0003913) teaches method of handoff within a telecommunication system containing digital base stations with different spectral capabilities. Hamabe et al (US 2002/0094837) teaches method of controlling transmission power in a cellular type mobile communication system. Cuny (WO 02076023) teaches method and system for reducing traffic flow to a mobile node during a handoff situations. Matsumoto et al (US 2002/0132628) teaches method for controlling hand-off of CDMA system, base station used therefor, and base station controller. The teaching of above prior arts either alone or in combination fails to teach measuring a first level fluctuation value more than once by said first station, wherein

said first level fluctuation value indicates a fluctuation degree of electric field intensity of an electromagnetic wave received from said first wireless communication network, calculating a first average level fluctuation value by said first station, wherein said first average level fluctuation value is an average of a plurality of said first level fluctuation values; and changing over based on said first average level fluctuation value.

As to claim 11, Hamabe et al (US 6,731,949) teaches method of controlling transmission power in a cellular type mobile communication system. Wand et al (US 2005/0165951) teaches method and apparatus for handoff in a communication system supporting multiple service instances. Chen et al (US 2003/0003913) teaches method of handoff within a telecommunication system containing digital base stations with different spectral capabilities. Hamable et al (US 2002/0094837) teaches method of controlling transmission power in a cellular type mobile communication system. Cuny (WO 02076023) teaches method and system for reducing traffic flow to a mobile node during a handoff situations. Matsumoto et al (US 2002/0132628) teaches method for controlling hand-off of CDMA system, base station used therefor, and base station controller. The teaching of above prior arts either alone or in combination fails to teach measuring a first level fluctuation value more than once by a first station, wherein said first level fluctuation value indicates a fluctuation degree of electric field intensity of an electromagnetic wave received from a first wireless communication network, calculating a first average level fluctuation value by said first station, wherein said first average level fluctuation value is an average of a plurality of said first level fluctuation values and communicating with said second station by said first station through a

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second wireless communication network, when said first station receives a second answer signal from said second station through said first wireless network, wherein said second communication answer signal indicates an answer that said second station can not communication through said first wireless communication network. or when said first station does not receives any answer signal within a certain time period.

As to claim 14, the claim is a software program of claim 1; therefore, the claim is interpreted and allowed as set forth as claim 1.

As to claim 24, the claim is a software program of claim 11; therefore, the claim is interpreted and allowed as set forth as claim 11.

As to claim 27, the claim is a system of claim 1; therefore, the claim is interpreted and allowed as set forth as claim 1.

As to claim 28, Hamabe et al (US 6,731,949) teaches method of controlling transmission power in a cellular type mobile communication system. Wand et al (US 2005/0165951) teaches method and apparatus for handoff in a communication system supporting multiple service instances. Chen et al (US 2003/0003913) teaches method of handoff within a telecommunication system containing digital base stations with different spectral capabilities. Hamable et al (US 2002/0094837) teaches method of controlling transmission power in a cellular type mobile communication system. Cuny (WO 02076023) teaches method and system for reducing traffic flow to a mobile node during a handoff situations. Matsumoto et al (US 2002/0132628) teaches method for controlling hand-off of CDMA system, base station used therefor, and base station controller. The teaching of above prior arts either alone or in combination fails to teach

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a first watching section which measures a first level fluctuation value more than once, and calculates a first average level fluctuation value, wherein said first level fluctuation value indicates a fluctuation degree of electric field intensity of an electromagnetic wave received from said first wireless communication network and said first average level fluctuation value is an average of a plurality of said first level fluctuation value and a control section which controls said first communication section and section said second to change over from said first wireless communication network to said second wireless communication network based on said first average level fluctuation value.

Dependent claims 2-10, 12, 13, 15-23, 25-26. 29-32 are allowable for the same reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line. A diagonal line extends upwards from the right side of the signature.

August 2, 2005

DANH CONG L
PATENT EXAMINER